

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

FEB 28 1995

NATHANIEL ISCHOMER, )  
)  
Plaintiff, )  
)  
v. )  
)  
DONNA E. SHALALA, Secretary )  
of Health and Human Services, )  
)  
Defendant. )

WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By: \_\_\_\_\_  
Deputy Clerk

Case No. CIV-94-76-B

ORDER AFFIRMING AND ADOPTING FINDINGS AND  
RECOMMENDATIONS OF MAGISTRATE JUDGE

On November 22, 1994, the United States Magistrate Judge for this district entered Findings and Recommendations in the above-referenced case. The parties have not filed exceptions and/or objections to these Findings and Recommendations within the time prescribed by law and the local rules of this Court. 28 USC § 636(b)(1); Rule 72 Federal Rules of Civil Procedure; Local Rule 32(d).

This Court finds that the recommendation of the Magistrate Judge remanding this case to the Defendant for further proceedings for the specific purpose of taking into account Plaintiff's alleged "chronic alcoholism" together with his known medical problems, i.e. respiratory and gouty arthritis which prevents him from working two to three days at a time and the availability of jobs in the locale for such an individual, is supported by the record.

Upon full consideration of the entire record and issues herein, this Court finds and orders that the Findings and Recommendations of the United States Magistrate Judge is affirmed and adopted by this Court as this Court's Findings and Order, and

pursuant to the fourth sentence of 42, U.S.C. § 405(g), this case is remanded to the Defendant for further proceedings consistent with this Order.

IT IS SO ORDERED this 28 day of February, 1995.

  
MICHAEL BURRAGE  
UNITED STATES DISTRICT JUDGE